

REMARKS

Claims 1-11 and 17-34 are pending in this application. Claims 12-16 have been previously canceled. Applicants have amended claims 1, 17-20, 22, 24, 26, and 29 to more particularly point out and distinctly claim Applicants' invention and to address typographical and stylistic issues. In particular, as explained below, although not necessary to overcome the Examiner's rejections, Applicants' independent claims have been amended to even further emphasize that some batches of a print job are being sent to be printed as other batches of the print job are being stamped in order to optimize the printing of very large volumes of documents. No new matter has been introduced by way of these amendments.

As a preliminary matter, Applicants wish to note that use of the disjunctive "or" before the last element in a list of alternatives is intended to recite and cover any one or more of the listed elements in the alternative, consistent with recent case law. Namely, the phrase "at least one of A or B" is to be interpreted as including: "A," or "B," or both "A and B." Also, the phrases "at least one of A, B, or C," "A, B, or C," and "A or B" are to be interpreted in the same manner. These recitations conform the claims with current case law on this subject.

35 U.S.C. § 103 Rejections

The Examiner has rejected claims 1-3, 5, 17-18, 20, 23-26, 29, 31, 32 and 34 under 35 U.S.C § 103(a) as obvious over Carroll, U.S. Patent Publication No. US2003/0142350 (hereinafter "Carroll") in view of Hansen et al., U.S. Patent No. 6,407,820 (hereinafter "Hansen"); claims 4, 8, 19, and 33 as being obvious over Carroll in view of Hansen and further in view of Redd et al., U.S. Patent No. 6,646,754, (hereinafter "Redd"); claim 6 as being obvious over Carroll in view of Hansen and further in view of Lutz, U.S. Patent Publication No. US2005/0076298 (hereinafter "Lutz"); claims 7, 27, 28, and 30 as being obvious over Carroll in view of Hansen and further in view of Ferlitsch et al., U.S. Patent Publication No. US2004/0190042 (hereinafter "Ferlitsch"); claims 9 and 22 as being obvious over Carroll in view of Hansen and further in view of Kremer, U.S. Patent Publication No. US2004/0158655 (hereinafter "Kremer"); and claims 11 and 21 as being obvious over Carroll in view of Hansen and further in view of Shaw et al., U.S. Patent No. 5,602,974 (hereinafter "Shaw").

For the record, it is noted that the Examiner's first rejection summary is incorrect as stated on page 2 of the Office Action, dated March 16, 2009 (hereinafter "Office Action") based upon the detailed rejection paragraphs thereafter. In particular, claims 4, 8, 19, and 33 were rejected in view of Carroll and Hansen and further in view of Lutz. As well, claims 23-24, 26, 31, and 32 were rejected in the detailed paragraphs under Carroll in view of Hansen.

Applicants respectfully traverse all these rejections for the reasons discussed in detail below with respect to both the original and amended claims as indicated. In summary, each of Applicants' independent claims 1, 17, and 29 include aspects that are not taught, suggested, or motivated either by Hansen or by Carroll; thus, even if combined as the Examiner has put forth, these references cannot render obvious all of Applicants' claims, since one aspect is not taught by any of them.

The essence of the Examiner's rejections of the independent claims appear to be that Carroll, which describes splitting up print jobs into multiple sub-parts for different requirements, for example, for the purpose of printing parts of a print job on different sizes of papers, teaches all aspects except for the ability to stamp batches of documents before they are printed. (See, e.g., Carroll, para. 51.) The Examiner then cites to Hansen as providing the alleged missing element, stating that "Hansen does teach before printing, applying stamps to the electronic document pages of each batch of said print job." (Office Action, page 3.)

However, the Examiner still has completely ignored at least one aspect of each independent claim. In particular, Applicants note that the Examiner is ignoring language that emphasizes that, for each print job, one or more batches are being printed (or sent to be printed) "as other batches of said print job that are awaiting to be printed are having their said respective stamps applied to them," or similar language (emphasis added).

In particular, prior to amendment, independent claim 1 (and, by virtue of incorporation, claims 2-16) and independent claim 29 (and, by virtue of incorporation, claims 30-34) recite:

...separately sending said each batch* having said respective stamps that have been applied to its electronic document pages to a client terminal *to be printed, while electronic document pages of other batches of said print job that

are awaiting to be printed are having their said respective stamps applied to them.

(Emphasis added).

In addition, prior to amendment, claim 17 (and, by virtue of incorporation, claims 18-28) recite:

...wherein if the printer executable component is launched to initiate a print job, the printer executable component is coupled to ... provide this obtained print job data to the stamping service, ... the printer executable component being further capable to apply the stamps to pages of each batch of said print job before being printed by said printer and *to download the pages having stamps applied thereon to either one or both the printer executable component and the printer while pages of other batches of said print job that are awaiting to be printed are being stamped...*

This recited language does not simply state that the stamps are applied before printing, as asserted by the Examiner. Rather, the recited language states that as (at least one) batch of a particular print job is being printed, another (or pages of another) batch is being stamped. This “concurrency” is what allows for “a high volume of electronic documents to be printed from a network in a manner that is more efficient and improved” by using a batch printing process. As described in Applicants’ Specification:

[o]nce a request for a print job is received, the print job is broken up into a plurality of batches. The batches are sent sequentially from their source in the Internet to a printer at the client side...When each batch approaches completion of its printing at the printer, the subsequent batch is sent, until all batches have been sent and completed printing... also provides tools to allow stamps or other identification information to be applied to the document pages to be printed.

Applicants’ Specification, p. 4, line 23 to p. 5, line 16. Further,

[t]he printer executable component 1100 (or the download executable component 1102 operates asynchronously. Thus, these components can run independently of other applications and not tie up resources. Moreover, breaking up a print job into multiple batches allows time for activities between the batches, such as stamping other batches while a batch is being spooled to the printer 1022.

Applicants’ Specification, p. 24, line 6-11.

The Examiner is not free to simply ignore elements or phrases of Applicants’ claims. According to the MPEP §2143.03 and case law, “[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art” (citing *In re Wilson*,

424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1980). Thus, the above recited language of the claims must be considered for the Examiner to make a proper *prima facie* case of obviousness.

Nevertheless, neither Carroll nor Hansen teach, motivate, or suggest applying stamps to portions of a print job while other portions are sent to the printer and/or being printed. As admitted by the Examiner, Carroll does not teach or suggest applying stamps before printing at all. (Office Action, p. 3.) The Examiner then turns to Hansen. Although, Hansen does appear to describe that, “the job preparation [work]station 116 permits the operator to add annotations *to the document* such as bates numbers ...” before printing. (Hansen, column 7, lines 13-16 (emphasis added).) Further that, “in the *next stage* in the print production workflow, the print production stage,” jobs are queued to be sent to proper printing devices. (Hansen, column 7, lines 25-40 (emphasis added).) However, Hansen does not describe printing one or more of the batches of a print job, while stamps are applied to other batches of the (same) print job. Thus, the Examiner’s reliance on Hansen is misdirected.

Accordingly, claims 1-34 are not anticipated or rendered obvious over Carroll in view of Hansen at least for this reason.

Although, as explained, Applicants believe these aspects of the claims prior to amendment are not taught, suggested, or motivated by Carroll or by Hansen, Applicants have amended several claims to further expedite prosecution. In particular, claims 1 and 29 (hence claims 1-16 and 29-34) have been amended to recite “applying stamps to the electronic document pages of each said batch, such that stamps are applied to at least one such batch while at least one other such batch of said print job is currently printing.” As amended, these claims continue to recite at least one aspect not taught, suggested or motivated by either Carroll or Hanson, each alone or in any motivated combination.

Dependent Claims

As discussed above, all of the dependent claims are not anticipated or rendered obvious for at least the reasons described above with respect to the independent claims.

The Examiner has also rejected dependent claims 4, 6-9, 11, 19, 21, 22, 27, 28, 30 and 33 over a variety of combinations of Carroll and Hansen with one or more of the other references, namely Lutz, Redd, Ferlitsch, Kremer, and Shaw. In the interests of expediting prosecution, Applicants will not address these arguments one by one at this time. Accordingly, Applicants note for the record that all such assertions are traversed and reserves the right to further present arguments regarding the Examiner's statements about what is known in the art or taught by the cited references at a later time, should such become necessary. Specifically, no waiver (legal, factual, or otherwise), implicit or explicit, is hereby intended.

Conclusion

In the event the Examiner disagrees with Applicants or finds minor informalities, Applicants respectfully request a telephone interview to discuss the Examiner's issues and to expeditiously resolve prosecution of this application. Accompanying this Amendment is a Supplemental Applicant Initiated Interview Request Form in the event the Examiner does not agree that the claims are allowable over the cited references. Applicants' representative can be contacted at (206) 381-3300.

In closing, Applicants respectfully submit that all of the pending claims are allowable and respectfully request the Examiner to enter these amendments and to reconsider this application and its timely allowance. The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 50-1050. Again, Applicants' representative thanks the Examiner for his prompt and courteous attention.

Respectfully submitted,

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Enclosure:

Applicant Initiated Interview Request Form

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